

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6870**

**BILL NUMBER:** SB 394

**NOTE PREPARED:** Feb 18, 2010

**BILL AMENDED:**

**SUBJECT:** Attorney General Matters.

**FIRST AUTHOR:** Sen. Bray

**FIRST SPONSOR:** Rep. L. Lawson

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill authorizes the Attorney General to intervene in a declaratory judgment action in which a statute, ordinance, or franchise is alleged to be unconstitutional. It provides that a court must notify the Attorney General if the constitutionality of a state statute is called into question, and permits the Attorney General to intervene in the case to present evidence and arguments concerning the constitutionality of the statute. It permits the Attorney General to intervene in a case in which a claim or defense is based on a statute or executive order administered by a state officer or agency. The bill also authorizes the Attorney General to file an amicus curiae brief without the leave of the parties or the court.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:** The bill's provisions may increase the workload of the Attorney General's office to the extent that the Attorney General intervenes in cases concerning the constitutionality of state statutes, declaratory judgment actions concerning the constitutionality of a statute, ordinance, or franchise, or in cases where a claim or defense is based on statute or an executive order. The impact is indeterminable.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Attorney General.

**Local Agencies Affected:** Courts.

**Information Sources:**

**Fiscal Analyst:** Jessica Harmon, 317-232-9854.